

***A REGULAR MEETING OF THE FAUQUIER COUNTY BOARD OF SUPERVISORS  
WAS HELD SEPTEMBER 15, 2003 AT 1:00 P.M. IN WARRENTON, VIRGINIA***

**P R E S E N T**      Mr. Harry F. Atherton, Chairman; Mr. Joe Winkelmann, Vice-Chairman;  
Mr. Raymond E. Graham; Ms. Sharon Grove McCamy; Mr. Larry L.  
Weeks; Mr. G. Robert Lee, County Administrator; Mr. Paul S. McCulla,  
County Attorney

**A B S E N T**      None

**AGENDA REVIEW**

The Board of Supervisors reviewed the agenda.

**LAND RECORDS AUTOMATION**

Lori Hertig, GIS Manager, gave a presentation of current capabilities for electronic access to the GIS land records system. Rick Kline, Director of Information Technology, described a conceptual plan for a centralized County information database.

**JOINT WORK SESSION WITH FAUQUIER COUNTY SCHOOL BOARD TO DISCUSS  
SECONDARY SCHOOL PROGRAMMING COMMITTEE RECOMMENDATIONS**

Rick Carr, Director of Community Development, provided a comparative census analysis and forecasted County population growth rates. Mark Cornwell, Assistant Superintendent for Administration, discussed the current student population and projected enrollment trends. Bronwyn Lambelet, School Board Chair, and David Martin, Superintendent of Schools, discussed recommendations of the Secondary School Committee for future Secondary School programs and facilities. The presentations were followed by a roundtable discussion between members of the Board of Supervisors and School Board.

The meeting was reconvened in Regular Session at 6:30 p.m. at Warrenton Community Center.

**ADOPTION OF THE AGENDA**

Mr. Winkelmann moved to adopt the agenda with the following changes. Ms. McCamy seconded, and the vote for the motion was unanimous as follows:

|                                   |  |
|-----------------------------------|--|
| <b><i>Ayes:</i></b>               | <b><i>Mr. Harry Atherton; Mr. Joe Winkelmann; Ms. Sharon McCamy; Mr. Raymond E. Graham; Mr. Larry L. Weeks</i></b> |
| <b><i>Nays:</i></b>               | <b><i>None</i></b>   |
| <b><i>Absent During Vote:</i></b> | <b><i>None</i></b>   |
| <b><i>Abstention:</i></b>         | <b><i>None</i></b>   |

- Accept a substitute resolution for Regular Agenda item #7, A Resolution Implementing Sewer Service to the Airport Planning Area.

- Remove Regular Agenda item #7, A Resolution Implementing Sewer Service to the Airport Planning Area, and add as Consent Agenda item w.

### **CITIZENS' TIME**

- Tom Silberseipe spoke of an accident at the Warrenton-Fauquier Airport involving an ultra-light aircraft and urged the Board to work in close cooperation with the Federal Aviation Administration's investigation of the incident.
- Ron Gatewood expressed his appreciation for the support of the County staff during the ultra-light aircraft crash investigation at the Warrenton-Fauquier Airport.
- Tim Shearer, Loudoun County resident, expressed his continued objection to the abandonment of a portion of State Route 671 in Fauquier County.

### **PROCLAMATIONS AND RECOGNITIONS**

- Mr. Atherton introduced Ray Pickering, newly hired Agriculture Development Officer for Fauquier County.
- Mr. Winkelmann presented A Proclamation to Declare the Week of October 5-11, 2003 as Fire Prevention Week to Tom Marable, President of the Fauquier County Fire and Rescue Association.
- Mr. Atherton stated that A Proclamation to Honor Ambassador Richard Noyes Viets Upon the Occasion of His Departure from the Lord Fairfax Community College Board would be forwarded by mail to Ambassador Viets.

### **CONSENT AGENDA**

Mr. Winkelmann moved to adopt the following consent agenda items. Ms. McCamy seconded, and the vote for the motion was unanimous as follows:

|                                   |   |
|-----------------------------------|---|
| <b><i>Ayes:</i></b>               | <b><i>Mr. Harry F. Atherton; Mr. Joe Winkelmann; Mr. Raymond E. Graham; Ms. Sharon Grove McCamy; Mr. Larry L. Weeks</i></b> |
| <b><i>Nays:</i></b>               | <b><i>None</i></b>  |
| <b><i>Absent During Vote:</i></b> | <b><i>None</i></b>  |
| <b><i>Abstention:</i></b>         | <b><i>None</i></b>  |

### **Approval of the Minutes for the August 18, 2003 Regular Meeting of the Fauquier County Board of Supervisors**

### **Chairman's Correspondence Review**

### **A Resolution Authorizing the Revision of Selected Human Resources Policies**

## RESOLUTION

### A RESOLUTION AUTHORIZING THE REVISION OF SELECTED HUMAN RESOURCES POLICIES

WHEREAS, the Fauquier County Board of Supervisors recognizes the need and the importance of maintaining up-to-date Human Resources policies; and

WHEREAS, the Fauquier County Government Human Resources Policies Manual is being reviewed for necessary additions, revisions and deletions; and

WHEREAS, a review has been conducted with respect to selected policies; and

WHEREAS, recommended changes are contained in the following policies dated September 15, 2003:

Policy 17 – Employee Performance Evaluation

Policy 25 – Resignations and Separations

; and

WHEREAS, the following policies are recommended for abolishment:

Policy 18 – Fauquier County Hazard Communication Committee

Policy 20 – Departmental Safety Committee

; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 15<sup>th</sup> day of September 2003, That the revisions made to the Human Resources Policy Manual, to revise Policies 17 and 25 and to abolish Policies 18 and 20 be, and are hereby, approved, effective September 15, 2003.

### **A Resolution Authorizing the Addition of the Position Title of Surplus Coordinator to the Fauquier County Government Classification and Compensation Plan**

## RESOLUTION

### A RESOLUTION AUTHORIZING THE ADDITION OF THE POSITION TITLE OF SURPLUS COORDINATOR TO THE FAUQUIER COUNTY GOVERNMENT CLASSIFICATION AND COMPENSATION PLAN

WHEREAS, funding was made available in the FY 2004 budget for a Surplus Coordinator position; and

WHEREAS, the position has been reviewed by Springstead, Inc.; and

WHEREAS, Springstead, Inc. classified the position as Grade 24; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 15<sup>th</sup> day of September 2003, That the position title of Surplus Coordinator be, and is hereby, added to the Fauquier County Government Classification and Compensation Plan.

**A Resolution to Receive the FY 2004 Rappahannock-Rapidan Community Services Board Performance Contract with the Department of Mental Health, Mental Retardation and Substance Abuse Services and the Area Plan for Aging Services**

RESOLUTION

A RESOLUTION TO RECEIVE THE RAPPAHANNOCK-RAPIDAN COMMUNITY SERVICES BOARD FY 2004 PERFORMANCE CONTRACT WITH THE DEPARTMENT OF MENTAL HEALTH, MENTAL RETARDATION AND SUBSTANCE ABUSE SERVICES AND THE AREA PLAN FOR AGING SERVICES

WHEREAS, in June 2002, the Rappahannock-Rapidan Community Services Board adopted the 2003 Performance Contract with the Department of Mental Health, Mental Retardation and Substance Abuse Services and the Area Plan for Aging; and

WHEREAS, Fauquier County has received a request, from the Community Services Board, that the Board of Supervisors endorse the Contract and Plan by either approving both documents or acknowledging that the Board of Supervisors participated in the review process and has no further additional comments; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 15<sup>th</sup> day of September 2003, That the Fauquier County Board of Supervisors does hereby receive the FY 2004 Rappahannock-Rapidan Community Services Board Performance Contract with the Department of Mental Health, Mental Retardation and Substance Abuse Services and the FY 2004 Area Plan for Aging Services and acknowledges that Fauquier County participated in the review process and has no additional comments regarding the Contract or Plan.

**A Resolution Approving an Exception for Travel Expenses in Accordance with Travel Policy and Procedures**

RESOLUTION

A RESOLUTION APPROVING AN EXCEPTION FOR TRAVEL EXPENSES IN ACCORDANCE WITH TRAVEL POLICY AND PROCEDURES

WHEREAS, the Board has adopted Travel Policy and Procedures that require approval of expenditures in excess of \$1,000; and

WHEREAS, the County Soil Scientist has requested authorization to attend a conference and training sessions that will result in a total cost of \$1,605; and

WHEREAS, this conference and training allows the County to be informed on community on-site wastewater treatment systems so that the public health and the environment can be protected while using County tax dollars in an efficient and economical manner; now, therefore, be it,

RESOLVED by the Fauquier County Board of Supervisors this 15<sup>th</sup> day of September 2003, That reimbursement from the Catlett/Calverton project funds to the Department of Community Development in the amount of \$1,605.00 for training and travel of the County Soil Scientist be, and is hereby, approved.

**A Resolution to Approve an Adjourned Meeting of the Fauquier County Board of Supervisors**

RESOLUTION

A RESOLUTION TO APPROVE AN ADJOURNED MEETING OF THE FAUQUIER  
COUNTY BOARD OF SUPERVISORS

WHEREAS, the Fauquier County Board of Supervisors and members of NAACP wish to hold a meeting to discuss matters of mutual interest; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 15<sup>th</sup> day of September 2003, That an adjourned meeting will be held on Saturday, September 27, 2003, at 9:30 a.m. at the W.C. Taylor Middle School of Warrenton, Virginia.

**A Resolution to Endorse Correspondence to the Department of Environmental Quality: Fauquier Landfill Permit No. 149**

RESOLUTION

A RESOLUTION TO ENDORSE CORRESPONDENCE TO THE DEPARTMENT OF  
ENVIRONMENTAL QUALITY: FAUQUIER LANDFILL PERMIT NO. 149

WHEREAS, Fauquier County staff and the Department of Environmental Quality (DEQ) have been meeting to review the continued use of the old landfill for construction and demolition debris materials; and

WHEREAS, an agreement has been reached that would allow the continuing use of the old landfill through June 2008; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 15<sup>th</sup> day of September 2003, That the Board of Supervisors does hereby endorse correspondence from the County Administrator to the Virginia Department of Environmental Quality concerning the closure of the old landfill.

**Resolution Authorizing the County Administrator to Schedule a Public Hearing to Receive Citizens' Comments on the Proposed Use of Local Law Enforcement Block Grant (LLEBG) Funds**

RESOLUTION

A RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR TO SCHEDULE A PUBLIC HEARING TO RECEIVE CITIZENS' COMMENTS ON PROPOSED USE OF LOCAL LAW ENFORCEMENT BLOCK GRANT (LLEBG) FUNDS

WHEREAS, the Federal government provides limited funding for law enforcement through the Block Grant Program; and

WHEREAS, a program requirement is to conduct a public hearing concerning the proposed use of these funds; and

WHEREAS, it is anticipated that Fauquier County will receive \$12,353 in Local Law Enforcement Block Grant (LLEBG) funds in this fiscal year; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 15th day of September 2003, That the County Administrator be, and is hereby, authorized to schedule a public hearing on October 20, 2003, to receive citizens' comments on the proposed use of these funds.

**A Resolution to Approve a Contract with American Tennis Courts, Inc. to Renovate Playcourts at Various Recreational Sites**

RESOLUTION

A RESOLUTION TO APPROVE A CONTRACT WITH AMERICAN TENNIS COURTS, INC. TO RENOVATE PLAYCOURTS AT VARIOUS RECREATIONAL SITES

WHEREAS, the tennis courts at Marshall Middle School, Cedar Lee Middle School, Vint Hill Village Green, and the play courts at Bradley Elementary School, are in need of serious repairs which are long overdue; and

WHEREAS, funding has previously been approved to address these repairs; and

WHEREAS, American Tennis Courts, Inc. has an open-ended contract to perform such services for governments in northern Virginia; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 15th day of September 2003, That a contract with American Tennis Courts, Inc. be, and is hereby, approved in the amount of \$170,777 to resurface the Marshall Middle School tennis courts, Cedar Lee Middle School tennis courts, Vint Hill Village Green tennis courts, and Bradley Elementary multipurpose courts, replace court fencing at Marshall and Cedar Lee Middle Schools, and reinstall markings as appropriate for each court.

**A Resolution to Appropriate \$39,950 to Upgrade County Voting Machines**

RESOLUTION

A RESOLUTION TO APPROPRIATE \$39,950 TO UPGRADE COUNTY VOTING  
MACHINES

WHEREAS, the Board of Supervisors is charged by the Code of Virginia with the preparation of an annual budget for Fauquier County; and

WHEREAS, on March 25, 2003, the Fauquier County Board of Supervisors adopted the Fauquier County FY 2004 Budget; and

WHEREAS, during the course of a fiscal year certain events occur which necessitate changing the budget plan by increasing or decreasing the total budget; and

WHEREAS, the Registrar's Office has requested \$39,950 to support upgrading the County's voting machines with "light readers" to read and recognize ballot marks made by any marking device and also replace the machines' computer memory storage cards to enhance the machines' efficiency; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 15th day of September 2003, That \$39,950 from the Contingency Reserve (4-100-091400-9618) element of the FY 2004 Adopted Budget be, and is hereby, approved to upgrade the County's voting machines (4-100-013200-6050).

**Consider Preliminary Subdivision Plat PP03-C-17, Warrenton Chase, Center Magisterial District**

No action was taken.

**Consider Preliminary Subdivision Plat PP03-CR-24, Panklands Estates, Cedar Run Magisterial District**

No action was taken.

**Consider Preliminary Subdivision Plat PP03-S-28, Misty Run Estates, Phase Three, Scott Magisterial District**

No action was taken.

**A Resolution to Amend the Board of Supervisors' Legislative Proposals for the 2004 General Assembly**

## RESOLUTION

### A RESOLUTION TO AMEND THE BOARD OF SUPERVISORS' LEGISLATIVE PROPOSALS FOR THE 2004 GENERAL ASSEMBLY

WHEREAS, Fauquier County has a variety of issues and interests which require legislative action by the Virginia General Assembly; and

WHEREAS, the Virginia Association of Counties (VACo) has requested submission of such legislative proposals for consideration in the 2004 VACo Legislative Program; and

WHEREAS, from time to time the Board of Supervisors may amend its Legislative Program to include additional legislative priorities and issues; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 15th day of September 2003, That the Board of Supervisors' 2004 Legislative Program be, and is hereby, amended as follows:

#### LEGISLATIVE PRIORITIES:

- Adequate Public Facilities - Fauquier County supports Adequate Public Facilities legislation, which would permit high growth localities, as part of their subdivision or zoning ordinance, to determine whether public facilities are adequate to support the services which will be required by the proposed subdivision or rezoning.
- Impact Fees - Fauquier County continues to support legislation that would allow localities the option to assess impact fees for School Construction and other essential government services in lieu of voluntary cash proffers
- School Funding - Fauquier County supports the full funding of the State's share of the Standards of Quality, full funding of any categorical educational mandate, including pay raises, and full funding of the State's portion of the Standards of Learning relating to instructional technology. Fauquier County also supports increased funding for School Construction.
- Cost of Competing - Fauquier County respectfully requests those State legislators representing Fauquier County introduce legislation to incorporate Fauquier County into the Cost of Competing School Funding Formula.
- Local Revenue Authority - Fauquier County opposes any measure that would eliminate or reduce any local government revenue authority.
- Local Government Zoning and Land Use Authority - Fauquier County opposes any further dilution of the zoning and land use regulatory authority of local governments.



- Revenue Sharing - Fauquier County strongly supports any legislative proposal that results in the State sharing a portion of its income tax revenues (within its existing rate structure) with localities, and which provides local flexibility in determining how it should be used.
- Increased Local Authority - Fauquier County supports legislation to provide for increased local authority in planning, zoning and revenue matters through a statutory relaxation of the Dillon Rule. However, the relaxation of the Dillon Rule should not be accompanied by a shift of responsibility for various programs from the State government to local government.
- Purchase of Development Rights - Fauquier County supports increased State funding for the purchase of conservation easements and other land conservation needs.
- Transfer Tax - Fauquier County supports legislation that would enable counties and cities, through local option, to enact a real estate transfer tax.
- Land Use Taxation - Fauquier County supports legislation that would lengthen the Use Value Taxation rollback period to at least ten years.
- Affordable Housing - The Board of Supervisors respectfully requests those State legislators representing Fauquier County introduce legislation to include Fauquier under the provisions of Section 15.2304 of the Code of Virginia, which would enable Fauquier County to require affordable housing.
- Water Resources Planning - Fauquier County supports a comprehensive study of the Commonwealth's surface and groundwater resources.
- Land Use Taxation - Fauquier County supports legislation that would allow local governments the option of excluding commercial, industrial, and/or residentially zoned properties from the Land Use Taxation Program. Fauquier County further supports the local option to exclude properties within designated service districts as may be contained within a locality's Comprehensive Plan.
- Full Funding of the State Aid Formula for Public Libraries - State aid is currently funded at \$16M. \$23M will be needed in each year of the biennium to fully fund the State aid formula. The Board of Supervisors supports restoration of full funding over two bienniums with the \$2M added to the base each year for the next 4 years.
- Increased Funding of State Library Technology Plan - The Board of Supervisors supports \$2.5M in each year of the biennium to license a core collection of full text electronic resources used by patrons of all Virginia public libraries.
- Northern Virginia Differential - The Board of Supervisors respectfully requests those State legislators representing Fauquier County introduce legislation to extend the Northern Virginia Differential to all State employees working within the County.

**A Resolution Authorizing the Fee Waiver for the Butler, Glowicki and Leighton Subdivision Applications**

RESOLUTION

A RESOLUTION AUTHORIZING FEE WAIVER FOR THE BUTLER, GLOWICKI,  
AND LEIGHTON SUBDIVISION APPLICATIONS

WHEREAS, Fauquier County has been in litigation regarding a subdivision plat and construction plan for the Coles Building Corporation and Ms. Leocade Leighton since 1987; and

WHEREAS, on January 21, 2003, the Board of Supervisors granted fee waiver for the rezoning application; and

WHEREAS, in July and August of 2003, respectively, the Board of Supervisors approved the rezoning requests of Ms. Leocade Leighton, Ms. Eleanor Butler and Mr. and Mrs. Nicholas Glowicki; and

WHEREAS, the applicants are pursuing final plats for review, approval and recordation pursuant to the Proffer Statements of their approved rezoning applications; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 15<sup>th</sup> day of September 2003, That the subdivision fees be, and are hereby, waived for the following properties:

1. Leocade Leighton, PIN #7905-86-6547;
2. Nicholas and Michele Glowicki, PIN #7905-86-7609; and
3. Eleanor Butler, PIN #7905-86-7871.

**A Resolution to Indicate Endorsement of the Request Received by the Town of Warrenton from Ernest M. Oare, Owner, for Extension of Town Water Service to Property Located on Springs Road, Marshall Magisterial District, and Identified as Being a Portion of PIN #6984-00-4336**

RESOLUTION

A RESOLUTION TO INDICATE ENDORSEMENT OF THE REQUEST RECEIVED BY THE TOWN OF WARRENTON FROM ERNEST M. OARE, OWNER, FOR EXTENSION OF TOWN WATER SERVICE TO PROPERTY LOCATED ON SPRINGS ROAD, MARSHALL MAGISTERIAL DISTRICT, AND IDENTIFIED AS BEING A PORTION OF PIN #6984-00-4336

WHEREAS, Ernest M. Oare is the owner of a 1.8952 acre tract of land located on Route 802, Springs Road, situated in Marshall Magisterial District, Fauquier County, Virginia, and further identified as a portion of PIN #6984-00-4336; and

WHEREAS, the existing residence situated on the 1.8952 acre parcel is served by the Town of Warrenton Sanitary Sewer system; however, it does not have access to Town water service; and

WHEREAS, the Town of Warrenton has received an application from Ernest M. Oare, owner, for a Town water tap for the aforesaid property; and

WHEREAS, the Town of Warrenton has requested that, since the aforesaid property is located outside of the Town of Warrenton limits, Fauquier County endorse the application for Town water service made by Ernest M. Oare; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 15th day of September 2003, That the Board does hereby endorse the application by Ernest M. Oare for public water service to the Oare property and respectfully requests that the Town of Warrenton consider the application, subject to review and comment by the Fauquier County Water and Sanitation Authority.

**A Resolution Recommending Projects for Inclusion in the Six-Year Improvement Program for the Virginia Department of Transportation**

RESOLUTION

A RESOLUTION RECOMMENDING PROJECTS FOR INCLUSION IN THE SIX-YEAR  
IMPROVEMENT PROGRAM FOR THE VIRGINIA DEPARTMENT OF  
TRANSPORTATION

WHEREAS, the Commonwealth Transportation Board (CTB) adopts an annual Six-Year Improvement Program for the Virginia Department of Transportation (VDOT); and

WHEREAS, Fauquier County has pressing primary road improvement projects; and

WHEREAS, the Fauquier County Transportation Committee has reviewed the Virginia Department of Transportation's project recommendations for inclusion in the Six-Year Improvement Program and has determined nine (9) projects which should be the priorities of the County; and

WHEREAS, on September 9, 2003, the Fauquier County Transportation Committee approved a motion recommending that the nine (9) priorities be forwarded to the Fauquier County Board of Supervisors for its consideration as the annual Six-Year Improvement Program priorities to be forwarded to the Commonwealth Transportation Board and VDOT; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 15th day of September 2003, That the following projects be, and are hereby, recommended as Fauquier County's priorities for inclusion in the Six-Year Improvement Program for the Virginia Department of Transportation:

1. Route 15/29/215 and Route 215:
  - Relocation and construction of Route 215 from Route 15/29 to Vint Hill.
  - Design work for the ultimate interchange at Route 215 and Route 15/29.
2. Route 28:
  - Spot safety and intersection improvements including turn lanes and signalization, where needed, from Route 15/29 to the Prince William County line.
3. Route 15/29/17/Opal Interchange
4. Route 15/29/East Shirley Avenue:
  - Initiate design study for a future interchange at south entrance/exit to Warrenton, Virginia.
5. Business Route 15/29:
  - Curb/gutter and widen road in the Town of Remington, Virginia.
6. Route 15/29 and Route 28:
  - Future interchange concept development.
7. Route 15/29:
  - Extend three (3) box culverts between Route 28 and Route 786 southbound lane.
8. Interstate 66:
  - Extend acceleration lane that leads from Route 17 southbound to Interstate 66 eastbound (south of Delaplane, Virginia).
9. Route 15/29:
  - Accelerate the planning process for the eventual six-laning and interchanges from Route 15/29/17 Bypass north of Warrenton, Virginia to the Prince William County line.

**A Resolution Designating an Applicant Agent for Homeland Security Equipment Grant**

RESOLUTION

A RESOLUTION DESIGNATING AN APPLICANT AGENT FOR  
HOMELAND SECURITY EQUIPMENT GRANT

WHEREAS, the Department of Justice, through the Virginia Department of Emergency Management, has informed Fauquier County of its intent to award a grant to assist in preparation for the County's response to weapons of mass destruction incidents; and

WHEREAS, a requirement for the award of this grant is the designation of a Grant Applicant's Agent; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 15th day of September 2003, That the County Administrator be, and is hereby, authorized to execute for and on behalf of Fauquier County, a public entity established under the laws of the Commonwealth of Virginia, the 2003 grant application, and to file such application in the appropriate State Office for the purpose of obtaining certain Federal financial assistance under the OJP, National Domestic Preparedness Office Grant Program(s), administered by the Commonwealth of Virginia; and, be it

RESOLVED FURTHER, That Fauquier County, a public entity established under the laws of the Commonwealth of Virginia, hereby authorizes its agent to provide to the Commonwealth and to the Office of Justice Programs (OJP) for all matters pertaining to such Federal financial assistance any and all information pertaining to this Grant as may be requested.

**A Resolution Authorizing the Execution of Grant Forms for the ODP Equipment Program  
Competitives Sub-Grant**

RESOLUTION

A RESOLUTION AUTHORIZING THE EXECUTION OF GRANT FORMS FOR THE  
OFFICE OF DOMESTIC PREPAREDNESS (ODP) EQUIPMENT PROGRAM  
COMPETITIVE SUB-GRANT

WHEREAS, the Virginia Department of Emergency Management has informed the County of its intent to award a grant under the Office of Domestic Preparedness (ODP) Equipment Program Competitive Sub-Grant to assist in the County's response to emergencies; and

WHEREAS, a requirement for the award of this grant is the designation of a Grant Applicant's Agent; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 15th day of September 2003, That the County Administrator be, and is hereby, authorized to execute for and on behalf of Fauquier County, a public entity established under the laws of the Commonwealth of Virginia, the ODP Equipment Program Competitive grant; and, be it

RESOLVED FURTHER, That Fauquier County, a public entity established under the laws of the Commonwealth of Virginia, hereby authorizes its agent to provide to the Commonwealth for all matters pertaining to such State and Federal financial assistance any and all information pertaining to this Grant as may be requested.

**A Resolution to Appropriate \$179,121 to the CFFW Regional Jail**

RESOLUTION

A RESOLUTION TO APPROPRIATE \$179,121 TO THE CFFW REGIONAL JAIL

WHEREAS, the Board of Supervisors is charged by the Code of Virginia with the preparation of an annual budget for Fauquier County; and

WHEREAS, on March 25, 2003, the Fauquier County Board of Supervisors adopted the Fauquier County FY 2004 Budget; and

WHEREAS, during the course of a fiscal year certain events occur which necessitate changing the budget plan by increasing or decreasing the total budget; and

WHEREAS, the CFFW Regional Jail has requested \$179,121 in increased funding support to hire an additional 24 personnel due to inmate overcrowding, and the Sheriff's Office and Finance Committee have reviewed this issue and recommend approval; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 15th day of September 2003, That \$179,121 from the County Contingency Reserve (1-400-91400-9618) be, and is hereby, authorized to be transferred to the CFFW Regional Jail (4-100-33210-3841) element of the FY 2004 Adopted Budget to defray Fauquier County's pro rata share of adding 24 new positions to the facility.

**A Resolution to Accept a Donation from the Warrenton Garden Club – Landscaping Warren Green Building**

RESOLUTION

A RESOLUTION TO ACCEPT A DONATION FROM THE WARRENTON GARDEN CLUB  
– LANDSCAPING THE WARREN GREEN BUILDING

WHEREAS, the Warrenton Garden Club wishes to partner with Fauquier County to improve the landscaping on the Hotel Street side of the Warren Green building; and

WHEREAS, the Warrenton Garden Club has offered to provide funding in the amount of \$8,400 to implement a portion of the Warren Green landscape plan, and will provide on-going seasonal planting and funds annually for the upkeep of the garden; and

WHEREAS, the Warrenton Garden Club wishes to provide a small marker to be placed in the garden to acknowledge the contributions of the Club; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 15<sup>th</sup> day of September 2003, That the Board does hereby accept the donation of the Warrenton Garden Club and expresses its thanks and appreciation for its participation in the efforts to improve the Warren Green grounds.

### **A Resolution Implementing Sewer Service to the Airport Planning Area**

#### RESOLUTION

#### A RESOLUTION IMPLEMENTING SEWER SERVICE TO THE AIRPORT PLANNING AREA

WHEREAS, Fauquier County is upgrading facilities at the Warrenton-Fauquier Airport; and

WHEREAS, existing waste disposal systems within the Airport Planning Area are failing; and

WHEREAS, property owners are unable to develop land zoned for industrial purposes without public sewer; and

WHEREAS, the Airport Sewer Planning Area is within the Midland Service District; and

WHEREAS, a Special Exception Permit has been approved to allow the construction and operation of a wastewater treatment and disposal system at the Warrenton-Fauquier Airport; and

WHEREAS, the Fauquier County Water and Sanitation Authority Board has approved an operating agreement for Airport Sewer Planning Area; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 15<sup>th</sup> day of September 2003, That the Board of Supervisors does hereby authorize the execution of the Wastewater System Operation Agreement – Airport Sewer Planning Area; and, be it

RESOLVED FURTHER, That the County Administrator be, and is hereby, authorized to enter into Airport Sewer Planning Area Availability Fee Agreements with participating property owners; and, be it

RESOLVED FINALLY, That the bid of Maxwell Enterprises LTD in the amount of \$394,000 be, and is hereby, accepted for the construction of the Airport Sewer Project subject to the final review and approval of the County Administrator and County Attorney.

**CONSIDERATION OF SE03-CR-29: A CATEGORY 20 SPECIAL EXCEPTION TO ALLOW A TELECOMMUNICATIONS TOWER IN EXCESS OF 80 FEET, WILLIAM H. AND NELSON D. MARTIN, OWNERS, AT&T WIRELESS SERVICES (AWS), APPLICANT**

Mr. Graham moved to table action, at the request of the applicant, on a request for special exception to allow a telecommunications tower in excess of 80 feet until the next regular Board meeting scheduled for October 20, 2003. Ms. McCamy seconded, and the vote for the motion was unanimous, as follows:

*Ayes: Mr. Harry F. Atherton; Mr. Joe Winkelmann; Mr. Raymond E. Graham; Ms. Sharon Grove McCamy; Mr. Larry L. Weeks*  
*Nays: None*  
*Absent During Vote: None*  
*Abstention: None*

**A RESOLUTION TO DENY AN ORDINANCE AMENDING THE DEFINITION OF AGRICULTURALLY RELATED USES, COMMERCIAL-2 ZONING DISTRICT AS FOUND IN SECTION 15-300 (DEFINITIONS) OF THE ZONING ORDINANCE**

Mr. Weeks moved to adopt the following resolution. Mr. Winkelmann seconded, and the vote for the motion was unanimous as follows:

*Ayes: Mr. Harry F. Atherton; Mr. Joe Winkelmann; Mr. Raymond E. Graham; Ms. Sharon Grove McCamy; Mr. Larry L. Weeks*  
*Nays: None*  
*Absent During Vote: None*  
*Abstention: None*

**RESOLUTION**

**A RESOLUTION TO DENY AN ORDINANCE AMENDING THE DEFINITION OF AGRICULTURALLY RELATED USES, COMMERCIAL-2 ZONING DISTRICT AS FOUND IN SECTION 15-300 (DEFINITIONS) OF THE ZONING ORDINANCE**

WHEREAS, Robert and Sharon Adgate have filed a request to change the definition of “Agriculturally Related Uses” to add RV/trailer sales, rental and service as a permitted use; and

WHEREAS, on June 26, 2003, the Planning Commission held a public hearing; and

WHEREAS, the Planning Commission expressed concern regarding the appropriateness of RV sales and service as an “Agriculturally Related Use”; and



WHEREAS, upon review of the record, the Planning Commission has recommended to the Board of Supervisors that the text amendment to Section 15-300, definition of “Agriculturally Related Uses”, be denied for the reasons set forth herein and contained in the record; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 15<sup>th</sup> day of September 2003, That the text amendment to Section 15-300, definition of “Agriculturally Related Uses” be, and is hereby, denied in that RV sales and service has not been justified as an “Agriculturally Related Use”.

**A RESOLUTION TO APPROVE FUNDS TO IMPLEMENT A HYDROGEOLOGICAL STUDY FOR THE OPAL SERVICE DISTRICT AND TO PROVIDE WATER SERVICE TO THE COMMUNITY OF FRYTOWN**

Ms. McCamy moved to adopt the following resolution. Mr. Graham seconded, and the vote for the motion was unanimous as follows:

|                                   |   |
|-----------------------------------|---|
| <b><i>Ayes:</i></b>               | <b><i>Mr. Harry F. Atherton; Mr. Joe Winkelmann; Mr. Raymond E. Graham; Ms. Sharon Grove McCamy; Mr. Larry L. Weeks</i></b> |
| <b><i>Nays:</i></b>               | <b><i>None</i></b>  |
| <b><i>Absent During Vote:</i></b> | <b><i>None</i></b>  |
| <b><i>Abstention:</i></b>         | <b><i>None</i></b>  |

RESOLUTION

A RESOLUTION TO APPROVE FUNDS TO IMPLEMENT A HYDROGEOLOGICAL STUDY FOR THE OPAL SERVICE DISTRICT AND TO PROVIDE WATER SERVICE TO THE COMMUNITY OF FRYTOWN

WHEREAS, the Fauquier County Board of Supervisors requested that the Fauquier County Water and Sanitation Authority (WSA) develop a draft Implementation Plan for a public water system to serve the Opal Service District, as recommended by the Economic Development Advisory Council, Utilities Task Force; and

WHEREAS, the Board of Supervisors/Water and Sanitation Authority Liaison Committee recommended that the Implementation Plan be forwarded to the Board of Supervisors for consideration of approving the initial phase of the Plan by funding a hydrogeological study of the Opal Service District; and

WHEREAS, the Board of Supervisors recognizes the need to conclude the Frytown water monitoring, bottled water and carbon filter program by providing funds to connect the remaining six residences to a water line to be constructed under proffer by Toll Brothers, Inc.; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 15<sup>th</sup> day of September 2003, That \$200,000 be, and is hereby, appropriated from the Fauquier County Utility Fund to fund a hydrogeological study for the Opal Service District to be repaid to Fauquier County per a proposed Water Construction Funding Agreement with the Water and Sanitation Authority (WSA); and, be it

RESOLVED FURTHER, That the Fauquier County Board of Supervisors reserves \$39,000 from the Fauquier County Utility Fund Frytown account (\$2,500 from Utility Fund Contingency) to complete the Frytown Water Project by funding the connection of designated contaminated wells that are under the management of the Department of Emergency Services to a main water line to be constructed under a proffer agreement with Toll Brothers, Inc. Funds to be transferred as follows:

| Source   | FROM<br>Code      | Amount    | Department            | TO<br>Code       | Amount    |
|--|-------------------|-----------|-----------------------|------------------|-----------|
| Utility Fund<br>Catlett/Calverton<br>Sewer Project | 4-310-044310-8215 | \$200,000 | Opal Water Project    | 4-310-TBD        | \$200,000 |
| Utility Fund<br>Contingency                        | 4-310-99999-9999  | \$2,500   | Frytown Water Project | 4-310-44910-8215 | \$2,500   |

**A RESOLUTION TO APPROVE THE REQUEST OF C. MILTON HARDING AND RONALD HARDING TO REDUCE THE TIME REQUIREMENT OF SECTION 2-39.3(A)(3) OF THE FAUQUIER COUNTY SUBDIVISION ORDINANCE TO ALLOW THEM TO TRANSFER A FAMILY TRANSFER LOT TO A NON-IMMEDIATE FAMILY MEMBER**

Mr. Graham moved to adopt the following resolution. Mr. Winkelmann seconded, and the vote for the motion was unanimous as follows:

*Ayes: Mr. Harry F. Atherton; Mr. Joe Winkelmann; Mr. Raymond E. Graham; Ms. Sharon Grove McCamy; Mr. Larry L. Weeks*

*Nays: None*

*Absent During Vote: None*

*Abstention: None*

**RESOLUTION**

**A RESOLUTION TO APPROVE THE REQUEST OF C. MILTON AND RONALD HARDING TO REDUCE THE TIME REQUIREMENT OF SECTION 2-39.3(A)(3) OF THE FAUQUIER COUNTY SUBDIVISION ORDINANCE TO ALLOW THEM TO TRANSFER A FAMILY TRANSFER LOT TO A NON-IMMEDIATE FAMILY MEMBER**

WHEREAS, on January 21, 2003, the applicant, C. Milton Harding, was the recipient of a family transfer parcel; and

WHEREAS, the applicant cannot access the family transfer lot due to flooding and significant erosion of the twenty (20) foot ingress/egress easement; and

WHEREAS, the applicant proposes a Boundary Line Adjustment to combine the two (2) acre family division parcel with the residue; and

WHEREAS, Section 2-39(14) of the Subdivision Ordinance allows the Board of Supervisors to reduce the ten (10) year restriction on selling a family transfer parcel to a non-immediate family member if it finds an extraordinary hardship is caused by the ten (10) year restriction; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 15th day of September 2003, That the requirement that C. Milton Harding hold his family transfer parcel for a period of ten (10) years be, and is hereby, reduced so that the parcel may be transferred to a non-immediate family member with the two (2) acre lot to be boundary adjusted to the 43.8 acre residue parcel.

**A RESOLUTION TO ABANDON A PORTION OF OLD STATE ROUTE 671 IN FAUQUIER COUNTY**

Mr. Atherton moved to adopt the following resolution. Mr. Weeks seconded, and the vote for the motion was unanimous as follows:

|                                   |   |
|-----------------------------------|---|
| <b><i>Ayes:</i></b>               | <b><i>Mr. Harry F. Atherton; Mr. Joe Winkelmann; Mr. Raymond E. Graham; Ms. Sharon Grove McCamy; Mr. Larry L. Weeks</i></b> |
| <b><i>Nays:</i></b>               | <b><i>None</i></b>  |
| <b><i>Absent During Vote:</i></b> | <b><i>None</i></b>  |
| <b><i>Abstention:</i></b>         | <b><i>None</i></b>  |

**RESOLUTION**

**A RESOLUTION TO ABANDON A PORTION OF OLD STATE ROUTE 671  
IN FAUQUIER COUNTY**

WHEREAS, the Fauquier County Board of Supervisors has received a request to abandon a portion of Old State Route 671 located northeast of the Paris Water Tank parcel along and within the boundaries of an approximately 32-acre parcel of land identified as PIN 6035-91-4374-000; and

WHEREAS, the stated portion of road is shown on the specified Fauquier County Geographic Information System Plat dated November 7, 2002 and titled "Portion of Route 671 to be Abandoned"; and

WHEREAS, a public notice was posted as prescribed under §33.1-151, Code of Virginia, announcing a public hearing to receive comments concerning abandoning the section of road described herein from the Secondary System of State Highways; and

WHEREAS, the Commissioner of the Virginia Department of Transportation was provided the prescribed notice of this Board's intent to abandon the subject section of road; and

WHEREAS, on August 18, 2003, the Fauquier County Board of Supervisors held a public hearing on the proposed abandonment and considered testimony received; and

WHEREAS, the property owner, Beatrice Beckner, has granted an ingress/egress easement to the adjoining property owner, Timothy J. Shearer; and

WHEREAS, after considering all evidence available, the Fauquier County Board of Supervisors is satisfied that no public necessity exists for the continuance of the section of Secondary Route 671, from the Paris Water Storage Tank parcel to the Fauquier County line, a distance of approximately 0.15 miles, and hereby deems that section of road is no longer necessary as a part of the Secondary System of State Highways; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 15th day of September 2003, That the Board of Supervisors does hereby abandon the above-described section of road and removes it from the Secondary System of State Highways, pursuant to §33.1-151, Code of Virginia; and, be it

RESOLVED FURTHER, That a certified copy of this resolution be forwarded to the Resident Engineer of the Virginia Department of Transportation.

### **APPOINTMENTS**

By unanimous consent, the following appointments were approved:

- Industrial Development Authority – Center District; Jim Koehr reappointed, with a term to expire September 15, 2006.
- Community Services Board Feasibility Study Ad Hoc Committee - Chairman; William Frazier.
- Lord Fairfax Community College Board – Fauquier County Representative; Joe Winkelmann to fill the unexpired term of Ambassador Viets, which expires June 30, 2004.

### **SUPERVISORS' TIME**

- Mr. Graham advised that installation of the outdoor lights for the softball field at Liberty High School had been completed.

- Ms. McCamy stated that the Sumerduck Ruritans had commemorated a memorial at the Sumerduck Post Office to honor victims of the terrorist attack of September 11, 2001.

## **ANNOUNCEMENTS**

- Mr. Lee announced that the location of an adjourned meeting of the Board of Supervisors with member of the NAACP, scheduled for 9:30 a.m. on Saturday, September 27, 2003, has been changed to W.C. Taylor Middle School.

## **VIRGINIA PUBLIC SCHOOL AUTHORITY (VPSA) BONDS**

A public hearing was held to consider a proposed issuance of general obligation school bonds of Fauquier County in the estimated maximum principal amount of \$12,400,000. The purpose of the proposed bonds is to finance capital projects for public schools. No one spoke. The public hearing was closed. Mr. Atherton moved to adopt the following resolution. Mr. Winkelmann seconded, and the vote for the motion was unanimous as follows:

|                            |  |
|----------------------------|--|
| <i>Ayes:</i>               | <i>Mr. Harry F. Atherton; Mr. Joe Winkelmann; Mr. Raymond E. Graham; Ms. Sharon Grove McCamy; Mr. Larry L. Weeks</i> |
| <i>Nays:</i>               | <i>None</i>  |
| <i>Absent During Vote:</i> | <i>None</i>  |
| <i>Abstention:</i>         | <i>None</i>  |

### **A RESOLUTION AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION SCHOOL BONDS, SERIES 2003A, OF THE COUNTY OF FAUQUIER, VIRGINIA, IN A PRINCIPAL AMOUNT NOT TO EXCEED \$12,400,000 TO BE SOLD TO THE VIRGINIA PUBLIC SCHOOL AUTHORITY AND PROVIDING FOR THE FORM AND DETAILS THEREOF**

**WHEREAS**, the Board of Supervisors (the “Board”) of the County of Fauquier, Virginia (the “County”), has determined that it is necessary and expedient to borrow a principal amount not to exceed \$12,400,000 and to issue its general obligation school bonds for the purpose of financing certain capital projects for school purposes; and

**WHEREAS**, the County held a public hearing, duly noticed, on September 15, 2003, on the issuance of the Bonds (as hereinafter defined) in accordance with the requirements of Section 15.2-2606, Code of Virginia 1950, as amended (the “Virginia Code”); and

**WHEREAS**, the School Board of the County has, by resolution adopted on June 23, 2003, requested the Board to authorize the issuance of the Bonds and consented to the issuance of the Bonds; and

**WHEREAS**, the Bond Sale Agreement (as defined below) shall indicate that \$12,400,000 is the amount of proceeds requested (the “Proceeds Requested”) from the Virginia Public School Authority (the “VPSA”) in connection with the sale of the Bonds; and

**WHEREAS**, the VPSA’s objective is to pay the County a purchase price for the Bonds which, in VPSA’s judgment, reflects the Bonds’ market value (the “VPSA Purchase Price Objective”), taking into consideration such factors as the amortization schedule the County has requested for the Bonds relative to the amortization schedules requested by other localities, the purchase price to be received by VPSA for its bonds and other market conditions relating to the sale of the VPSA’s bonds; and

**WHEREAS**, such factors may result in the Bonds having a purchase price other than par and consequently (i) the County may have to issue a principal amount of Bonds that is less than the Proceeds Requested but in no case greater than the Proceeds Requested in order to receive an amount of proceeds that is substantially equal to the Proceeds Requested, or (ii) if the maximum authorized principal amount of the Bonds set forth in Section 1 below does not exceed the amount of the discount the purchase price to be paid to the County, given the VPSA Purchase Price Objective and market conditions, will be less than the Proceeds Requested;

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF THE COUNTY OF FAUQUIER, VIRGINIA:**

1. **Authorization of Bonds and Use of Proceeds.** The Board hereby determines that it is advisable to contract a debt and issue and sell its general obligation school bonds in an aggregate principal amount not to exceed \$12,400,000 (the “Bonds”) for the purpose of financing certain capital projects for school purposes, including without limitation, the projects described in Exhibit B. The Board hereby authorizes the issuance and sale of the Bonds in the form and upon the terms established pursuant to this Resolution.

2. **Sale of the Bonds.** It is determined to be in the best interest of the County to accept the offer of the VPSA to purchase from the County, and to sell to the VPSA, the Bonds at a price, determined by the VPSA to be fair and accepted by the County Administrator, that is substantially equal to the Proceeds Requested, except that the Bonds may be sold for a purchase price not lower than 95% of the Proceeds Requested if issuing the Bonds in the maximum principal amount authorized by Section 1 of this Resolution is insufficient, given the VPSA Purchase Price Objective and market conditions, to generate an amount of proceeds substantially equal to the Proceeds Requested. The County Administrator and such officer or officers of the County as either may designate, any of whom may act, are hereby authorized and directed to enter into a Bond Sale Agreement dated as of October 1, 2003 (the “Bond Sale Agreement”), with the VPSA providing for the sale of the Bonds to the VPSA. The Bond Sale Agreement shall be in substantially the form submitted to the Board at this meeting, which form is hereby approved.

3. **Details of the Bonds.** The Bonds shall be dated the date of issuance and delivery of the Bonds; shall be designated “General Obligation School Bonds, Series 2003A”; shall bear interest from the date of delivery thereof payable semi-annually on each January 15 and July 15 beginning July 15, 2004 (each an “Interest Payment Date”), at the rates established in accordance

with Section 4 of this Resolution; and shall mature on July 15 in the years (each a “Principal Payment Date”) and in the amounts set forth on Schedule I attached hereto (the “Principal Installments”), subject to the provisions of Section 4 of this Resolution.

4. **Interest Rates and Principal Installments.** The County Administrator is hereby authorized and directed to accept the interest rates on the Bonds established by the VPSA, provided that each interest rate shall be ten one-hundredths of one percent (0.10%) over the interest rate to be paid by the VPSA for the corresponding principal payment date of the bonds to be issued by the VPSA (the “VPSA Bonds”), a portion of the proceeds of which will be used to purchase the Bonds, and provided further that the true interest cost of the Bonds does not exceed six percent (6.00%) per annum. The Interest Payment Dates and the Principal Installments are subject to change at the request of the VPSA. The County Administrator is hereby authorized and directed to accept changes in the Interest Payment Dates and the Principal Installments at the request of the VPSA, provided that the aggregate principal amount of the Bonds shall not exceed the amount authorized by this Resolution and provided further that the final maturity of the Bonds occurs no later than December 31, 2024. The execution and delivery of the Bonds as described in Section 8 hereof shall conclusively evidence such interest rates established by the VPSA and Interest Payment Dates and the Principal Installments requested by the VPSA as having been so accepted as authorized by this Resolution.

5. **Form of the Bonds.** The Bonds shall be initially in the form of a single, temporary typewritten bond substantially in the form attached hereto as Exhibit A.

6. **Payment; Paying Agent and Bond Registrar.** The following provisions shall apply to the Bonds:

(a) For as long as the VPSA is the registered owner of the Bonds, all payments of principal, premium, if any, and interest on the Bonds shall be made in immediately available funds to the VPSA at, or before 11:00 a.m. on the applicable Interest Payment Date, Principal Payment Date or date fixed for prepayment or redemption, or if such date is not a business day for Virginia banks or for the Commonwealth of Virginia, then at or before 11:00 a.m. on the business day next preceding such Interest Payment Date, Principal Payment Date or date fixed for prepayment or redemption.

(b) All overdue payments of principal and, to the extent permitted by law, interest shall bear interest at the applicable interest rate or rates on the Bonds.

(c) SunTrust Bank, Richmond, Virginia, is designated as bond registrar and payment agent for the Bonds (the “Bond Registrar”). The County may, in its sole discretion, replace at any time the Bond Registrar with another qualified bank or trust company as successor Bond Registrar.

7. **Prepayment or Redemption.** The Principal Installments of the Bonds held by the VPSA coming due on or before July 15, 2013, and the definitive Bonds for which the Bonds held by the VPSA may be exchanged that mature on or before July 15, 2013, are not subject to prepayment or redemption prior to their stated maturities. The Principal Installments of the Bonds held by the VPSA coming due after July 15, 2013, and the definitive bonds for which the

Bonds held by the VPSA may be exchanged that mature after July 15, 2013, are subject to prepayment or redemption at the option of the County prior to their stated maturities in whole or in part, on any date on or after July 15, 2013, upon payment of the prepayment or redemption prices (expressed as percentages of Principal Installments to be prepaid or the principal amount of the Bonds to be redeemed) set forth below plus accrued interest to the date set for prepayment or redemption:

| <u>Dates</u>                         | <u>Prices</u> |
|--------------------------------------|---------------|
| July 15, 2013, through July 14, 2014 | 101.0%        |
| July 15, 2014, through July 14, 2015 | 100.5         |
| July 15, 2015, and thereafter        | 100.0         |

Provided, however, that the Bonds shall not be subject to prepayment or redemption prior to their stated maturities as described above without first obtaining the written consent of the registered owner of the Bonds. Notice of any such prepayment or redemption shall be given by the Bond Registrar to the registered owner by registered mail not more than ninety (90) and not less than sixty (60) days before the date fixed for prepayment or redemption.

8. **Execution of the Bonds.** The Chairman or Vice Chairman of the Board, either of whom may act, and the Clerk of the Board or any Deputy Clerk, either of whom may act, are authorized and directed to execute and deliver the Bonds and to affix the seal of the County thereto.

9. **Pledge of Full Faith and Credit.** For the prompt payment of the principal of and premium, if any, and the interest on the Bonds as the same shall become due, the full faith and credit of the County are hereby irrevocably pledged, and in each year while any of the Bonds shall be outstanding there shall be levied and collected in accordance with law an annual ad valorem tax upon all taxable property in the County subject to local taxation sufficient in amount to provide for the payment of the principal of and premium, if any, and the interest on the Bonds as such principal, premium, if any, and interest shall become due, which tax shall be without limitation as to rate or amount and in addition to all other taxes authorized to be levied in the County to the extent other funds of the County are not lawfully available and appropriated for such purpose.

10. **Use of Proceeds Certificate and Certificate as to Arbitrage.** The Chairman of the Board, the County Administrator and such officer or officers of the County as either may designate, any of whom may act, are hereby authorized and directed to execute a Certificate as to Arbitrage and a Use of Proceeds Certificate, each setting forth the expected use and investment of the proceeds of the Bonds and containing such covenants as may be necessary in order to show compliance with the provisions of the Internal Revenue Code of 1986, as amended (the "Code"), and applicable regulations relating to the exclusion from gross income of interest on the Bonds and on the VPSA Bonds. The Board covenants on behalf of the County that (i) the proceeds from the issuance and sale of the Bonds will be invested and expended as set forth in such Certificate as to Arbitrage and such Use of Proceeds Certificate and that the County shall comply with the other covenants and representations contained therein and (ii) the County shall



comply with the provisions of the Code so that interest on the Bonds and on the VPSA Bonds will remain excludable from gross income for Federal income tax purposes.

11. **State Non-Arbitrage Program; Proceeds Agreement.** The Board hereby determines that it is in the best interests of the County to authorize and direct the County Treasurer to participate in the State Non-Arbitrage Program in connection with the Bonds. The Chairman of the Board, the County Administrator and such officer or officers of the County as either may designate, any of whom may act, are hereby authorized and directed to execute and deliver a Proceeds Agreement with respect to the deposit and investment of proceeds of the Bonds by and among the County, the other participants in the sale of the VPSA Bonds, the VPSA, the investment manager and the depository, substantially in the form submitted to the Board at this meeting, which form is hereby approved.

12. **Continuing Disclosure Agreement.** The Chairman of the Board, the County Administrator and such officer or officers of the County as either may designate, any of whom may act, are hereby authorized and directed to execute a Continuing Disclosure Agreement, as set forth in Appendix F to the Bond Sale Agreement, setting forth the reports and notices to be filed by the County and containing such covenants as may be necessary in order to show compliance with the provisions of the Securities and Exchange Commission Rule 15c2-12 and directed to make all filings required by Section 3 of the Bond Sale Agreement should the County be determined by the VPSA to be a MOP (as defined in the Continuing Disclosure Agreement).

13. **Filing of Resolution.** The appropriate officers or agents of the County are hereby authorized and directed to cause a certified copy of this Resolution to be filed with the Circuit Court of the County.

14. **Further Actions.** The members of the Board and all officers, employees and agents of the County are hereby authorized to take such action as they or any one of them may consider necessary or desirable in connection with the issuance and sale of the Bonds and any such action previously taken is hereby ratified and confirmed.

15. **Effective Date.** This Resolution shall take effect immediately.

The undersigned Clerk of the Board of Supervisors of the County of Fauquier, Virginia, hereby certifies that the foregoing constitutes a true and correct extract from the minutes of a meeting of the Board of Supervisors held on September 15, 2003, and of the whole thereof so far as applicable to the matters referred to in such extract. I hereby further certify that such meeting was a regularly scheduled meeting and that, during the consideration of the foregoing resolution, a quorum was present. Members present at the meeting were: Harry F. Atherton, Chairman; Joe Winkelmann, Vice-Chairman; Larry L. Weeks; Raymond E. Graham; and Sharon Grove McCamy. Members absent from the meeting were: None. Members voting in favor of the foregoing resolution were: Harry F. Atherton, Chairman; Joe Winkelmann, Vice-Chairman; Larry L. Weeks; Raymond E. Graham; and Sharon Grove McCamy. Members voting against the foregoing resolution were: None. Members abstaining from voting on the foregoing resolution were: None.

**WITNESS MY HAND** and the seal of the Board of Supervisors of the County of Fauquier, Virginia, this 15th day of September 2003.

\_\_\_\_\_  
G. Robert Lee  
Clerk, Board of Supervisors of  
the County of Fauquier, Virginia  
EXHIBIT A

(FORM OF TEMPORARY BOND)

NO. TR-1

\$ \_\_\_\_\_

**UNITED STATES OF AMERICA**  
**COMMONWEALTH OF VIRGINIA**  
**COUNTY OF FAUQUIER**  
**General Obligation School Bond**  
**Series 2003A**

The **COUNTY OF FAUQUIER, VIRGINIA** (the “County”), for value received, hereby acknowledges itself indebted and promises to pay to the **VIRGINIA PUBLIC SCHOOL AUTHORITY** the principal amount of \_\_\_\_\_ DOLLARS (\$ \_\_\_\_\_), in annual installments in the amounts set forth on Schedule I attached hereto payable on July 15, 2004, and annually on July 15 thereafter to and including July 15, \_\_\_\_ (each a “Principal Payment Date”), together with interest from the date of this Bond on the unpaid installments, payable semi-annually on January 15 and July 15 of each year, commencing on July 15, 2004 (each an “Interest Payment Date”; together with any Principal Payment Date, a “Payment Date”), at the rates per annum set forth on Schedule I attached hereto, subject to prepayment or redemption as hereinafter provided. Both principal of and interest on this Bond are payable in lawful money of the United States of America.

For as long as the Virginia Public School Authority is the registered owner of this Bond, \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_, or any successor appointed by the County, as bond registrar and paying agent (the “Bond Registrar”), shall make all payments of principal

of and premium, if any, and interest on this Bond, without the presentation or surrender hereof, to the Virginia Public School Authority, in immediately available funds at or before 11:00 a.m. on the applicable Payment Date or date fixed for prepayment or redemption. If a Payment Date or date fixed for prepayment or redemption is not a business day for banks in the Commonwealth of Virginia or for the Commonwealth of Virginia, then the payment of principal of and premium, if any, or interest on this Bond shall be made in immediately available funds at or before 11:00 a.m. on the business day next preceding the scheduled Payment Date or date fixed for prepayment or redemption. Upon receipt by the registered owner of this Bond of said payments of principal, premium, if any, and interest, written acknowledgment of the receipt thereof shall be given promptly to the Bond Registrar, and the County shall be fully discharged of its obligation on this Bond to the extent of the payment so made. Upon final payment, this Bond shall be surrendered to the Bond Registrar for cancellation.

The full faith and credit of the County are irrevocably pledged for the payment of the principal of and the premium, if any, and interest on this Bond. The resolution adopted by the County Board authorizing the issuance of the Bonds provides, and Section 15.2-2624, Code of Virginia 1950, as amended, requires, that there shall be levied and collected an annual tax upon all taxable property in the County subject to local taxation sufficient to provide for the payment of the principal of and premium, if any, and interest on this Bond as the same shall become due which tax shall be without limitation as to rate or amount and shall be in addition to all other taxes authorized to be levied in the County to the extent other funds of the County are not lawfully available and appropriated for such purpose.

This Bond is duly authorized and issued in compliance with and pursuant to the Constitution and laws of the Commonwealth of Virginia, including the Public Finance Act of

1991, Chapter 26, Title 15.2, Code of Virginia 1950, as amended, and ordinances and resolutions duly adopted by the Board of the County and the School Board of the County to provide funds for capital projects for school purposes.

This Bond may be exchanged without cost, on twenty (20) days written notice from the Virginia Public School Authority, at the office of the Bond Registrar on one or more occasions for one or more temporary bonds or definitive bonds in marketable form and, in any case, in fully registered form, in denominations of \$5,000 and whole multiples thereof, and having an equal aggregate principal amount, having principal installments or maturities and bearing interest at rates corresponding to the maturities of and the interest rates on the installments of principal of this Bond then unpaid. This Bond is registered in the name of the Virginia Public School Authority on the books of the County kept by the Bond Registrar, and the transfer of this Bond may be effected by the registered owner of this Bond only upon due execution of an assignment by such registered owner. Upon receipt of such assignment and the surrender of this Bond, the Bond Registrar shall exchange this Bond for definitive Bonds as hereinabove provided, such definitive Bonds to be registered on such registration books in the name of the assignee or assignees named in such assignment.

The principal installments of this Bond coming due on or before July 15, 2013, and the definitive Bonds for which this Bond may be exchanged that mature on or before July 15, 2013, are not subject to prepayment or redemption prior to their stated maturities. The principal installments of this Bond coming due after July 15, 2013, and the definitive Bonds for which this Bond may be exchanged that mature after July 15, 2013, are subject to prepayment or redemption at the option of the County prior to their stated maturities in whole or in part, on any date on or after July 15, 2013, upon payment of the prepayment or redemption prices (expressed

as percentages of principal installments to be prepaid or the principal amount of the Bonds to be redeemed) set forth below plus accrued interest to the date set for prepayment or redemption:

| <u>Dates</u>                         | <u>Prices</u> |
|--------------------------------------|---------------|
| July 15, 2013, through July 14, 2014 | 101.0%        |
| July 15, 2014, through July 14, 2015 | 100.5         |
| July 15, 2015, and thereafter        | 100.0         |

Provided, however, that the Bonds shall not be subject to prepayment or redemption prior to their stated maturities as described above without the prior written consent of the registered owner of the Bonds. Notice of any such prepayment or redemption shall be given by the Bond Registrar to the registered owner by registered mail not more than ninety (90) and not less than sixty (60) days before the date fixed for prepayment or redemption.

All acts, conditions and things required by the Constitution and laws of the Commonwealth of Virginia to happen, exist or be performed precedent to and in the issuance of this Bond have happened, exist and have been performed in due time, form and manner as so required, and this Bond, together with all other indebtedness of the County, is within every debt and other limit prescribed by the Constitution and laws of the Commonwealth of Virginia.

**IN WITNESS WHEREOF**, the Board of Supervisors of the County of Fauquier, Virginia, has caused this Bond to be issued in the name of the County of Fauquier, Virginia, to be signed by its Chairman or Vice Chairman, its seal to be affixed hereto and attested by the signature of its Clerk of the Board or any of its Deputy Clerks, and this Bond to be dated \_\_\_\_\_, 2003.

**COUNTY OF FAUQUIER, VIRGINIA**

ATTEST:

\_\_\_\_\_  
Clerk, Board of Supervisors, County of  
Fauquier, Virginia

\_\_\_\_\_  
Chairman, Board of Supervisors, County  
of Fauquier, Virginia

## ASSIGNMENT

FOR VALUE RECEIVED, the undersigned sells, assigns and transfers unto

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(PLEASE PRINT OR TYPEWRITE NAME AND ADDRESS, INCLUDING ZIP CODE, OF ASSIGNEE)

PLEASE INSERT SOCIAL SECURITY OR OTHER  
IDENTIFYING NUMBER OF ASSIGNEE: \_\_\_\_\_

the within Bond and irrevocably constitutes and appoints

\_\_\_\_\_ attorney to exchange said Bond  
for definitive bonds in lieu of which this Bond is issued and to register the transfer of such  
definitive bonds on the books kept for registration thereof, with full power of substitution in the  
premises.

Date: \_\_\_\_\_

Signature Guaranteed:

\_\_\_\_\_  
(NOTICE: Signature(s) must be  
guaranteed by an “eligible guarantor  
institution” meeting the requirements  
of the Bond Registrar which  
requirements will include Membership or  
participation in STAMP or such other “signature  
guarantee program” as may be determined by  
the Bond Registrar in addition to, or in substitution for,  
STAMP, all in accordance with the Securities Exchange  
Act of 1934, as amended.

\_\_\_\_\_  
Registered Owner  
(NOTICE: The signature above  
must correspond with the name  
of the Registered Owner as it  
appears on the front of this  
Bond in every particular,  
without alteration or change.)

## EXHIBIT B

### PROJECT DESCRIPTION

To finance capital projects for public schools, including without limitation, Auburn Middle  
School and Thompson Elementary School.

## **CONSIDER A LEASE AMENDMENT AT THE WARRENTON-FAUQUIER AIRPORT**

A public hearing was held to consider a proposed lease amendment with Midland Development Corporation for the construction of a third T-hanger at the Warrenton-Fauquier Airport. No one spoke. The public hearing was closed. Mr. Graham moved to adopt the following resolution. Mr. Winkelmann seconded, and the vote for the motion was unanimous as follows:

**Ayes:** *Mr. Harry F. Atherton; Mr. Joe Winkelmann; Mr. Raymond E. Graham; Ms. Sharon Grove McCamy; Mr. Larry L. Weeks*  
**Nays:** *None*  
**Absent During Vote:** *None*  
**Abstention:** *None*

### **RESOLUTION**

#### **A RESOLUTION TO AMEND THE LEASE WITH MIDLAND DEVELOPMENT CORPORATION FOR THE CONSTRUCTION OF A THIRD T-HANGAR AT THE WARRENTON-FAUQUIER AIRPORT**

WHEREAS, the Fauquier County Airport Committee has received and reviewed a proposal from Midland Development Corporation to develop a third T-hanger at the Warrenton-Fauquier Airport; and

WHEREAS, existing agreements with Midland Development Corporation provide the opportunity for Midland Development Corporation to lease property from Fauquier County for the construction of T-hangers; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 15<sup>th</sup> day of September 2003, That the Chairman of the Board of Supervisors be, and is hereby, authorized to execute the amendment to the existing lease with Midland Development Corporation for the construction of a third T-hanger at the Warrenton-Fauquier Airport.

## **PROPOSED ORDINANCE AMENDING CHAPTER 7 OF THE FAUQUIER COUNTY CODE**

A public hearing was held to consider a proposed Ordinance amending Chapter 7 of the Fauquier County Code changing the district and precinct boundary lines for the Warrenton Precinct of Center Magisterial District and Casanova Precinct for the Cedar Run Magisterial District. No one spoke. The public hearing was closed. Mr. Winkelmann moved to adopt the following Ordinance. Mr. Graham seconded, and the vote for the motion was unanimous as follows:

**Ayes:** *Mr. Harry F. Atherton; Mr. Joe Winkelmann; Mr. Raymond E. Graham; Ms. Sharon Grove McCamy; Mr. Larry L. Weeks*

*Nays:* *None*  
*Absent During Vote:* *None*  
*Abstention:* *None*

## ORDINANCE

### AN ORDINANCE AMENDING CHAPTER 7 OF THE CODE OF FAUQUIER COUNTY CHANGING THE DISTRICT AND PRECINCT BOUNDARY LINES FOR THE WARRENTON PRECINCT OF CENTER MAGISTERIAL DISTRICT AND CASANOVA PRECINCT FOR THE CEDAR RUN MAGISTERIAL DISTRICT

WHEREAS, on July 16, 2001, the Board of Supervisors of Fauquier County adopted an Ordinance amending certain magisterial district and precinct lines as part of its decennial redistricting; and

WHEREAS, the Ordinance established the magisterial district line between Center Magisterial District and Cedar Run Magisterial District and the Warrenton and Casanova Precincts as the 1990 corporate limits of the Town of Warrenton; and

WHEREAS, the boundaries of the Town of Warrenton were extended as part of a boundary line adjustment between the Town of Warrenton and the County of Fauquier approved by Order of the Circuit Court of Fauquier County entered June 16, 1992; and

WHEREAS, on September 15, 2003, a public hearing was held and citizens' comments were received on this proposed Ordinance; and

WHEREAS, by the adoption of this Ordinance, the Board of Supervisors has determined that the boundaries between Center Magisterial and Cedar Run Magisterial District and Warrenton and Casanova precincts should be adjusted to establish the boundary set forth in the aforesaid Order of the Court as the present corporate limits of the Town of Warrenton; now, therefore, be it

ORDAINED by the Fauquier County Board of Supervisors this 15th day of September 2003, That Sections 7-3(1)(b) and 7-3(2)(d) be, and are hereby, amended to read as follows:

*7-3(1)(b) Casanova precinct:* Starting at the intersection of Beach Road and U.S. Routes 29, 17 & 15, James Madison Highway, follow northerly along James Madison Highway to its intersection to its intersection with the westerly side of the southbound lane of U.S. Business Routes 29,17 & 15; thence northerly along the westerly side of the southbound lane of U.S. Business Routes 29,17 & 15; to its intersection with the centerline of Turkey Run; thence easterly along the current centerline meanders of Turkey Run to its intersection with the eastern side of the northbound lane of U.S. Route 29, 17 and 15; thence northerly along the eastern side of the northbound lane of U.S. Route 29, 17 and 15 to its intersection with Meetze Road; thence southerly along Meetze Road to its intersection with Lunsford Road; thence northerly along Lunsford Road to its intersection with Old Auburn Road; thence easterly along Old Auburn Road to its intersection with Old



Dumfries Road; thence southerly along Old Dumfries Road to its intersection with Bastable Mill Road; thence southerly along Bastable Mill Road to its intersection with Catlett Road; thence southwesterly along Catlett Road to its intersection with Germantown Road; thence northwesterly along Germantown Road to its intersection with Rogues Road; thence northeasterly along Rogues Road to its intersection with Meetze Road; thence northwesterly along Meetze Road to its intersection with Balls Mill Road; thence southwesterly along Balls Mill Road to its intersection with Green Road; thence northerly along Green Road to its intersection with Beach Road; thence northerly along Beach Road to the point of beginning.

7-3(2)((d) *Warrenton precinct*: Starting at the 1990 corporate limits of the Town of Warrenton and its intersection with Bear Wallow Road, running easterly along Bear Wallow Road to its intersection with Broadview Avenue; thence southwesterly along Broadview Avenue to its intersection with Waterloo Street; thence southeasterly along Waterloo Street to its intersection with Chestnut Street; thence southwesterly along Chestnut Street to its intersection with West Lee Street; thence southeasterly along West Lee Street to its intersection with the eastern side of the northbound lane of U.S. Route 29, 17 and 15; thence southeasterly along U.S. Routes 29, 17 and 15 to its intersection with the current centerline meanders of Turkey Run; thence along the current centerline meanders of Turkey Run in a southwesterly direction to its intersection with the western side of the southbound lane of U.S. Business Route 29, 17, 15, Shirley Avenue; thence northerly along the western side of the right of way N23°21'40"E a distance of 460.81 feet to a point; thence S75°17'47"W a distance of 247.81 feet to a point; thence S61°28'53"W a distance of 56.08 feet to a point; thence S39°56'23"W a distance of 62.58 feet to a point thence N50°03'37"W a distance of 324.44 feet to a point; thence along a curve with a Delta 28°31'47", Radius 670.00', with a length of 333.62 feet to a point; thence N21°31'50"W a distance of 511.811 feet to its intersection with the 1990 corporate limits of the Town of Warrenton; thence along the 1990 corporate limits of the Town of Warrenton to the point of beginning.

### **CONSIDER A UTILITY EASEMENT AT VINT HILL**

A public hearing was held to consider granting an easement to Verizon for utility service at the Vint Hill pool complex. No one spoke. The public hearing was closed. Mr. Graham moved to adopt the following resolution. Ms. McCamy seconded, and the vote for the motion was unanimous as follows:

|                                   |   |
|-----------------------------------|---|
| <b><i>Ayes:</i></b>               | <b><i>Mr. Harry F. Atherton; Mr. Joe Winkelmann; Mr. Raymond E. Graham; Ms. Sharon Grove McCamy; Mr. Larry L. Weeks</i></b> |
| <b><i>Nays:</i></b>               | <b><i>None</i></b>  |
| <b><i>Absent During Vote:</i></b> | <b><i>None</i></b>  |
| <b><i>Abstention:</i></b>         | <b><i>None</i></b>  |

## RESOLUTION

### A RESOLUTION TO CONSIDER GRANTING AN EASEMENT TO VERIZON FOR TELEPHONE SERVICE AT THE VINT HILL POOL

WHEREAS, Fauquier County requires telephone service at the Vint Hill swimming pool complex; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 15<sup>th</sup> day of September 2003, That the County Administrator be, and is hereby, authorized to execute an easement at the Vint Hill swimming pool complex to Verizon for telephone service.

### **CONSIDER AN AMENDMENT TO THE FY 2003 ADOPTED BUDGET IN THE AMOUNT OF \$916,687 AND THE FY 2004 ADOPTED BUDGET IN THE AMOUNT OF \$1,199,151.08**

A public hearing was held to consider various budget related issues in the amount of \$716,687 in appropriations and \$200,000 in transfers for FY 2003, and \$1,070,348.08 in appropriations and \$128,803 in transfers for FY 2004, totaling \$2,115,838.08. Bryan Tippie, Director of the Budget Office, gave an overview of the proposed budget amendments. No one spoke. The public hearing was closed. Mr. Graham moved to adopt the following resolution. Mr. Winkelmann seconded, and the vote for the motion was unanimous as follows:

|                                   |   |
|-----------------------------------|---|
| <b><i>Ayes:</i></b>               | <b><i>Mr. Harry F. Atherton; Mr. Joe Winkelmann; Mr. Raymond E. Graham; Ms. Sharon Grove McCamy; Mr. Larry L. Weeks</i></b> |
| <b><i>Nays:</i></b>               | <b><i>None</i></b>  |
| <b><i>Absent During Vote:</i></b> | <b><i>None</i></b>  |
| <b><i>Abstention:</i></b>         | <b><i>None</i></b>  |

## RESOLUTION

### A RESOLUTION TO AMEND THE FY 2003 ADOPTED BUDGET IN THE AMOUNT OF \$916,687 AND THE FY 2004 ADOPTED BUDGET IN THE AMOUNT OF \$1,199,151.08

WHEREAS, the Board of Supervisors is charged by the Code of Virginia with the preparation of an annual budget for Fauquier County; and

WHEREAS, on March 25, 2002, the Fauquier County Board of Supervisors adopted the Fauquier County FY 2003 Budget and on March 25, 2003, the Fauquier County Board of Supervisors adopted the Fauquier County FY 2004 Budget; and

WHEREAS, during the course of the fiscal year certain events occur which necessitate changing the budget plan by increasing or decreasing the total budget; and

WHEREAS, the Finance Committee has recommended FY 2003 budget adjustments of \$916,687 and FY 2004 budget adjustments of \$1,199,151.08 for the purposes set forth below; and

WHEREAS, on September 15, 2003, a public hearing was held; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 15th day of September 2003, That the FY 2003 Budget be, and is hereby, amended in the amount of \$716,687 in appropriations and \$200,000 in transfers, and the FY 2004 Budget be, and is hereby, amended in the amount of \$1,070,348.08 in appropriations and \$128,803 in transfers, totaling \$2,115,838.08, as follows:

| Source                              | FROM<br>Code                  | Amount    | Department                   | TO<br>Code                   | Amount    |
|-------------------------------------|-------------------------------|-----------|------------------------------|------------------------------|-----------|
| <b><u>FY 2003</u></b>               |                               |           |                              |                              |           |
| Security Fees                       | 3-100-0161300-0001            | \$75,324  | Sheriff's Office             | 4-100-031200-1302            | \$75,324  |
| Donations, Ticket Sales             | 3-100-189300-0091-000-000-001 | \$1,010   | Agriculture                  | 4-100-81800-3160-000-000-001 | \$5,636   |
|                                     | 3-100-189300-0092-000-000-001 | \$5,904   |                              | 4-100-81800-5420-000-000-001 | \$500     |
|                                     | 3-100-189300-0091-000-000-002 | \$3,160   |                              | 4-100-81800-6002-000-000-001 | \$1,229   |
|                                     | 3-100-189300-0091-000-000-003 | \$2,888   |                              | 4-100-81800-3160-000-000-002 | \$218     |
|                                     | 3-100-189300-0016-000-000-004 | \$425     |                              | 4-100-81800-3500-000-000-002 | \$569     |
|                                     | 3-100-189300-0091-000-000-004 | \$551     |                              | 4-100-81800-3600-000-000-002 | \$4,473   |
|                                     |                               |           |                              | 4-100-81800-3160-000-000-003 | \$807     |
|                                     |                               |           |                              | 4-100-81800-3600-000-000-003 | \$125     |
| Utility Fund Prior Year Balance     | 3-310-419000-0010             | \$147,425 | Budget - New Baltimore Sewer | 4-100-81800-6011-000-000-003 | \$381     |
|                                     |                               |           |                              | 4-310-095200-9120            | \$147,425 |
|                                     |                               |           |                              |                              |           |
| General Fund – Contribution         | 4-100-081600-5656             | \$400,000 | Budget – Botha               | 4-310-TBD                    | \$400,000 |
| Federal Funds, Sales & Fund Balance | 3-207-332000-0013             | \$30,000  | Food Nutrition – Schools     | 4-207-65100-6002-900-000-000 | \$63,000  |
|                                     | 3-207-164200-0010             | \$42,000  |                              | 4-207-65100-1193-900-000-000 | \$17,000  |
|                                     | 3-207-419000-0010             | \$8,000   |                              |                              |           |
| CIP (Transfer)                      | 4-302-94721-8215              | \$200,000 | Internal Project Adjustment  | 4-302-94721-3160             | \$200,000 |
| <b><u>FY 2004</u></b>               |                               |           |                              |                              |           |
| Carryover – Fund Balance            | 3-100-419000-0010             | \$6,812   | Sheriff's Office             | 4-100-031262-1201            | \$6,812   |
| Carryover – Fund Balance            | 3-100-419000-0010             | \$10,954  | Sheriff's Office             | 4-100-031240-8201            | \$10,954  |
| State Funds                         | 3-100-24100-0050              | \$10,964  | Social Services              | 4-100-053155-1101            | \$10,964  |
| Federal Funds                       | 3-270-331000-0060             | \$10,822  | Fire & Emergency             | 4-270-32420-3130             | \$10,822  |

|                          |                   |                |                              |                   |                |
|--------------------------|-------------------|----------------|------------------------------|-------------------|----------------|
|                          |                   |                | Services                     |                   |                |
| CIP                      | 4-302-94407-8215  | \$6,172.57     | Library                      | 4-100-073100-3310 | \$6,172.57     |
|                          | 4-302-94109-8212  | \$623.51       |                              | 4-100-073100-6050 | \$623.51       |
| Carryover – Fund Balance | 3-100-419000-0010 | \$24,000       | Finance – GASB-34            | 4-100-012240-3120 | \$24,000       |
| Carryover – Fund Balance | 3-100-419000-0010 | \$1,000,000    | Budget – Contingency Reserve | 4-100-091400-9618 | \$1,000,000    |
| CIP                      | 4-302-94625-9999  | \$51,803       | Schools – HVAC               | 4-302-94655-8210  | \$51,803       |
| CIP                      | 4-302-91400-0205  | \$77,000       | Schools – Roofs              | 4-302-94654-8215  | \$77,000       |
| TOTAL                    |                   | \$2,115,838.08 |                              |                   | \$2,115,838.08 |

**#RZ03-C-04 – MARGARET A. HUFNAGEL & OTHERS, OWNERS, AND LANDMARK PROPERTY DEVELOPMENT, LLC, APPLICANT – RAYMOND FARM**

A public hearing was held to consider an application to rezone approximately 64.0 acres from Residential–1 (R-1) to Planned Residential Development (PRD). The property is located on the southeast quadrant of Routes 15/29 and Dumfries Road, Center District, further identified as PIN #6995-21-1875-000. Rick Carr, Director of Community Development, provided a summary of the rezoning application. John Thillmann, representing the applicant, requested that the Board give favorable consideration to the application. Mike Stenberg, Center District, spoke in favor of the rezoning application. Joe Newmann, Scott District; Kitty Smith, Marshall District; Jennifer Trivett, Scott District; Russell Prickett, Scott District; Barbara Eickhoff; Janet Burley, Scott District; Mike (last name inaudible), Scott District; Joe Gillis, Scott District; Mimi Moore, Marshall District; Michelle McDowell, Center District; David deGive; Fred Carrico, Scott District; Ron Foudray, Scott District; Kristine Weir, Scott District; Nancy Kasner, Cedar Run District; Mr. Kasner, Cedar Run District; Brad Eggers, Scott District; Susan Karageorges, Scott District; Jerry Johnson, Scott District; Phil Fancher, Cedar Run District; Miss Fancher, Cedar Run District; spoke in opposition to the rezoning application. Roger Miller, Center District; and Betsy Haustrop, Scott District, urged the Board to delay a decision on this matter. No one else spoke. The public hearing was closed. Mr. Winkelmann moved to adopt the following resolution. Mr. Graham seconded, for the purposes of discussion only. After extensive discussion, the consensus of the Board was to delay action until after a community meeting was held between Mr. Winkelmann, Mr. Weeks, and representatives of the homeowners' association for property owners adjacent to the proposed development. Mr. Winkelmann then moved to withdraw the original motion, and postpone a decision on this matter until the next regular Board meeting on October 20, 2003. Mr. Weeks seconded, and the vote for the motion was unanimous as follows:

***Ayes: Mr. Harry F. Atherton; Mr. Joe Winkelmann; Mr. Raymond E. Graham; Ms. Sharon Grove McCamy; Mr. Larry L. Weeks***  
***Nays: None***  
***Absent During Vote: None***  
***Abstention: None***

**#SPEX04-LE-003 – MELVIN C. BENDER, OWNER AND IRVEN W. JONES, APPLICANT**

A public hearing was held to consider an amendment to an existing Special Exception, to allow an increase in the number of residents at the Blue Ridge Christian Home from 34 to 36. The property is located at 7034 Catlett Road, Bealeton, Virginia, further identified as PIN #6889-42-5068-000. Irven Jones, applicant, spoke in favor of the Special Exception amendment. No one else spoke. The public hearing was closed. Ms. McCamy moved to adopt the following resolution. Mr. Graham seconded, and the vote for the motion was unanimous as follows:

|                                   |   |
|-----------------------------------|---|
| <b><i>Ayes:</i></b>               | <b><i>Mr. Harry F. Atherton; Mr. Joe Winkelmann; Mr. Raymond E. Graham; Ms. Sharon Grove McCamy; Mr. Larry L. Weeks</i></b> |
| <b><i>Nays:</i></b>               | <b><i>None</i></b>  |
| <b><i>Absent During Vote:</i></b> | <b><i>None</i></b>  |
| <b><i>Abstention:</i></b>         | <b><i>None</i></b>  |

**RESOLUTION**

**A RESOLUTION APPROVING SPEX04-LE-003: AMENDMENT OF AN EXISITING SPECIAL EXCEPTION TO INCREASE THE NUMBER OF PERMITTED RESIDENTS AT THE BLUE RIDGE CHRISTIAN HOME TO THIRTY-SIX (36) RESIDENTS, BLUE RIDGE CHRISTIAN HOME, APPLICANT, MELVIN C. BENDER, OWNER**

WHEREAS, Blue Ridge Christian Home, applicant, is seeking an amendment to an existing Special Exception to increase the number of permitted residents at the Blue Ridge Christian Home to thirty-six (36); and

WHEREAS, the original Special Exception approval limited the number of residents to thirty (30); and

WHEREAS, through time, the Special Exception has been amended to allow marginal increases in the number of residents to thirty-four (34); and

WHEREAS, on August 28, 2003, the Fauquier County Planning Commission held a public hearing and recommended approval of the proposed Special Exception Amendment; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 15th day of September 2003, That SPEX04-LE-003 be, and is hereby, approved, subject to the following conditions:

1. The number of residents at the Blue Ridge Christian Home shall not exceed thirty-six (36).
2. The Applicant shall comply with all applicable permitting and licensing requirements relating to increasing the facility's residential capacity.

## **ZONING ORDINANCE TEXT AMENDMENT**

A public hearing was held to consider an amendment to Section 5-1503 of the Fauquier County Zoning Ordinance (Additional Standards for Livestock Exchange) in order to allow an arena at a livestock exchange. Rick Carr, Director of Community Development, summarized the proposed text amendment. Ross Poe, Chairman of the Livestock Exchange, Mr. Wright, an employee of the Livestock Exchange, and Holder Trumbo, Scott District, spoke in favor of the amendment. No one else spoke. The public hearing was closed. Mr. Atherton moved to adopt the following Ordinance. Mr. Weeks seconded, and the vote for the motion was unanimous as follows:

|                                   |   |
|-----------------------------------|---|
| <b><i>Ayes:</i></b>               | <b><i>Mr. Harry F. Atherton; Mr. Joe Winkelmann; Mr. Raymond E. Graham; Ms. Sharon Grove McCamy; Mr. Larry L. Weeks</i></b> |
| <b><i>Nays:</i></b>               | <b><i>None</i></b>  |
| <b><i>Absent During Vote:</i></b> | <b><i>None</i></b>  |
| <b><i>Abstention:</i></b>         | <b><i>None</i></b>  |

### **ORDINANCE**

#### **AN ORDINANCE TO APPROVE THE TEXT AMENDMENT TO SECTION 5-1503 OF THE FAUQUIER COUNTY ZONING ORDINANCE TO ADD A STANDARD AUTHORIZING AN ARENA IN CONJUNCTION WITH A LIVESTOCK EXCHANGE**

WHEREAS, Section 5-1503 of the Fauquier County Zoning Ordinance provides standards for approval of a Livestock Exchange; and

WHEREAS, Section 5-1503 does not specifically provide for an arena in conjunction with a Livestock Exchange; and

WHEREAS, this text amendment would specifically allow for an arena to be provided in conjunction with a Livestock Exchange; and

WHEREAS, on July 31, 2003, the Fauquier County Planning Commission held a public hearing; and

WHEREAS, on August 25, 2003, the Planning Commission voted to recommend approval of an amendment to allow an arena in conjunction with a Livestock Exchange; and

WHEREAS, on September 15, 2003, the Fauquier County Board of Supervisors held a public hearing; and

WHEREAS, the adoption of this text amendment would be in the spirit of the Zoning Ordinance and is in the best interest of the citizens of Fauquier County; now, therefore, be it

ORDAINED by the Fauquier County Board of Supervisors this 15<sup>th</sup> day of September 2003, That Section 5-1503 be, and is hereby, amended to provide a standard allowing an arena to

be approved in conjunction with a Livestock Exchange use. The section will be amended to read as follows:

§5-1503      Additional Standards For Livestock Exchanges

3. An arena to be utilized for Livestock Business may be approved as part of a Livestock Exchange. The arena may be utilized for other events specifically involving livestock, if such other events are specifically authorized as part of the Livestock Exchange special permit. Any such arena shall be set back a minimum of 100 feet from all property lines, except that the Board of Zoning Appeals may reduce the setback to 50 feet upon a finding that a lesser setback is adequate given the specific layout of the arena and types of adjoining uses.

There being no further business, the meeting was adjourned, to reconvene on September 27, 2003.

*I hereby certify that this true and exact record of actions taken by the Fauquier County Board of Supervisors on September 15, 2003.*

*A Copy Teste*

*G. Robert Lee  
Clerk*